

**Effective 5/10/2016**

**11-13-603 Taxed interlocal entity.**

- (1) Notwithstanding any other provision of law:
  - (a) the use of an asset by a taxed interlocal entity does not constitute the use of a public asset;
  - (b) a taxed interlocal entity's use of an asset that was a public asset before the taxed interlocal entity's use of the asset does not constitute a taxed interlocal entity's use of a public asset;
  - (c) an official of a project entity is not a public treasurer; and
  - (d) a taxed interlocal entity's governing board shall determine and direct the use of an asset by the taxed interlocal entity.
- (2) A taxed interlocal entity is not subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.
- (3)
  - (a) A taxed interlocal entity is not a participating local entity as defined in Section 63A-3-401.
  - (b) For each fiscal year of a taxed interlocal entity, the taxed interlocal entity shall provide:
    - (i) the taxed interlocal entity's financial statements for and as of the end of the fiscal year and the prior fiscal year, including:
      - (A) the taxed interlocal entity's statement of net position as of the end of the fiscal year and the prior fiscal year, and the related statements of revenues and expenses and of cash flows for the fiscal year; or
      - (B) financial statements that are equivalent to the financial statements described in Subsection (3)(b)(i)(A) and, at the time the financial statements were created, were in compliance with generally accepted accounting principles that are applicable to taxed interlocal entities; and
    - (ii) the accompanying auditor's report and management's discussion and analysis with respect to the taxed interlocal entity's financial statements for and as of the end of the fiscal year.
  - (c) The taxed interlocal entity shall provide the information described in Subsection (3)(b):
    - (i) in a manner described in Subsection 63A-3-405(3); and
    - (ii) within a reasonable time after the taxed interlocal entity's independent auditor delivers to the taxed interlocal entity's governing board the auditor's report with respect to the financial statements for and as of the end of the fiscal year.
  - (d) Notwithstanding Subsections (3)(b) and (c) or a taxed interlocal entity's compliance with one or more of the requirements of Title 63A, Chapter 3, Division of Finance:
    - (i) the taxed interlocal entity is not subject to Title 63A, Chapter 3, Division of Finance; and
    - (ii) the information described in Subsection (3)(b)(i) or (ii) does not constitute public financial information as defined in Section 63A-3-401.
- (4)
  - (a) A taxed interlocal entity's governing board is not a governing board as defined in Section 51-2a-102.
  - (b) A taxed interlocal entity is not subject to the provisions of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.
- (5) Notwithstanding any other provision of law, a taxed interlocal entity is not subject to the following provisions:
  - (a) Part 4, Governance;
  - (b) Part 5, Fiscal Procedures for Interlocal Entities;
  - (c) Subsection 11-13-204(1)(a)(i) or (ii)(J);
  - (d) Subsection 11-13-206(1)(f);
  - (e) Subsection 11-13-218(5)(a);
  - (f) Section 11-13-225;

- (g) Section 11-13-226; or
  - (h) Section 53-2a-605.
- (6)
- (a) In addition to having the powers described in Subsection 11-13-204(1)(a)(ii), a taxed interlocal entity may, for the regulation of the entity's affairs and conduct of its business, adopt, amend, or repeal bylaws, policies, or procedures.
  - (b) Nothing in Part 4, Governance, or Part 5, Fiscal Procedures for Interlocal Entities, may be construed to limit the power or authority of a taxed interlocal entity.
- (7)
- (a) A governmental law enacted after May 12, 2015, is not applicable to, is not binding upon, and does not have effect on a taxed interlocal entity unless the governmental law expressly states the section of governmental law to be applicable to and binding upon the taxed interlocal entity with the following words: "[Applicable section or subsection number] constitutes an exception to Subsection 11-13-315(10) and is applicable to and binding upon a taxed interlocal entity."
  - (b) Sections 11-13-601 through 11-13-608 constitute an exception to Subsection (7)(a) and are applicable to and binding upon a taxed interlocal entity.

Renumbered and Amended by Chapter 382, 2016 General Session